

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT DAVID DUNN,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. CIV-12-0587-HE
	)	
HARPER COUNTY, ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Robert David Dunn, a state prisoner appearing *pro se*, brought this action under 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. Judge Purcell has recommended that plaintiff's claims be dismissed with prejudice. Plaintiff has filed an objection the report and recommendation followed by motions to appoint counsel and for an evidentiary hearing. The court agrees plaintiff's claims should be dismissed with prejudice and concludes that his subsequently-filed motions should be stricken as moot.


Plaintiff lists six defendants in his complaint: 1) Harper County; 2) George H. Leach, the state court judge who sentenced plaintiff after he pleaded guilty to the crimes for which plaintiff is now incarcerated; 3) Crieg Rittenhouse, the assistant district attorney who prosecuted plaintiff; 4) Henry A. Meyer, III, the court-appointed attorney who defended plaintiff; 5) Twila Easterwood, the court clerk; and 6) Linda Crouch, the deputy court clerk. The complaint alleges, baldly, that these defendants conspired to enter a written judgment and sentence which deviated from the sentence announced by the state trial judge from the bench. Judge Purcell's report and recommendation accurately explains that defendants

Leach, Rittenhouse, Easterwood, and Crouch are entitled to absolute immunity from plaintiff's claims, that defendant Meyer cannot be sued under 42 U.S.C. § 1983 because he was not acting "under color of state law," and that the complaint does not state any basis for holding Harper County liable. Plaintiff's objection does not address any of these issues but instead restates the allegations contained in the complaint.

The court agrees with the magistrate judge's analysis and **ADOPTS** the Supplemental Report and Recommendation [Doc. #14]. Accordingly, plaintiff's claims are **DISMISSED** with prejudice and his motions for appointment of counsel [Doc. #16] and an evidentiary hearing [Doc. #17] are **STRICKEN** as **MOOT**. A separate judgment will be entered contemporaneously with this order. Fed. R. Civ. P. 58(a).

**IT IS SO ORDERED.**

Dated this 21st day of August, 2012.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE